

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOSEPH R. ERNST,

Plaintiff,

v.

Civil Action No. 3:11cv625

**EXPERIAN INFORMATION SOLUTIONS,
INC., et al.,**

Defendants.

**DEFENDANT WELLS FARGO BANK, N.A.'S MEMORANDUM
IN SUPPORT OF MOTION FOR STATUS CONFERENCE**

NOW COMES defendant, Wachovia Mortgage, a division of Wells Fargo Bank, N.A., the correct name of this defendant being Wells Fargo Bank, N.A., successor to Wachovia Mortgage FSB, ("Wells Fargo"), by counsel, and for its Memorandum in Support of its Motion for a Status Conference, respectfully states as follows:

1. This case is currently set for a one (1) day jury trial on March 27, 2012. While discovery is not complete, based upon the discovery which has been taken, and the pending discovery, Wells Fargo believes that it will take approximately three (3) to four (4) days to try this case to a jury.
2. The parties commenced written discovery and depositions soon after being permitted to do so by Rule 26(f) and the Court's Scheduling Order entered in this case.
3. To date, over six thousand (6,000) pages of documents have been produced by the parties.
4. The plaintiff, Joseph R. Ernst ("Plaintiff") has taken the following depositions:
 - a. Kathryn Fuller, Wells Fargo employee, San Antonio, Texas;

- b. Christopher Caron, Wells Fargo employee, San Antonio, Texas;
 - c. Juan Imperial, Wells Fargo employee, San Antonio, Texas; and
 - d. Kathleen Hill, Wells Fargo employee, Raleigh, North Carolina.
5. To date, Wells Fargo has taken the following depositions:
- a. Pankaj Teli, Morristown, New Jersey; and
 - b. Plaintiff, Joseph R. Ernst, Fairfax, Virginia.
6. The following depositions to be taken by the Plaintiff are scheduled:
- a. Wanda Wright, Wells Fargo employee, San Antonio, Texas (set for February 16, 2012);
 - b. Sharon Mason, Wells Fargo employee, San Antonio, Texas (set for February 16, 2012);
 - c. Yessica Ortiz, Wells Fargo employee, San Antonio, Texas (set for February 16, 2012);
 - d. Mike Dolan, Wells Fargo employee, Richmond, Virginia (set for February 21, 2012); and
 - e. Jean Noonan, expert, location and date to be determined.
7. Wells Fargo plans on taking the following depositions:
- a. Benjamin Ernst, Fairfax, Virginia (set for February 23, 2012);
 - b. Nicole Karl Ernst, Fairfax, Virginia (set for February 23, 2012);
 - c. Evan Hendricks, expert (location and date to be determined).
8. With the potential for the introduction of testimony of up to fifteen (15) witnesses or more, it has become increasingly clear to Wells Fargo that this case cannot be tried to a jury in one day.

9. On February 13, 2012, counsel for the Plaintiff and counsel for Wells Fargo met and conferred by telephone on this topic. Plaintiff's counsel felt that it would take longer than one (1) day to this case but did not agree with Wells Fargo's counsel's estimated trial time of three (3) to four (4) days.

10. Wherefore, Wells Fargo, by counsel, respectfully requests a status conference with the Court to address the aforementioned issue.

Respectfully submitted,

**WACHOVIA MORTGAGE, a division of
Wells Fargo Bank N.A., the correct name
of which is Wells Fargo Bank, N.A.,
successor to Wachovia Mortgage, FSB**

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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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